

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

TERENCE TRAMAIN ANDRUS,
Petitioner,

v.

LORIE DAVIS, Director,
Texas Department of
Criminal Justice,
Correctional Institutions Division,

Respondent.

Case No. 4:19-cv-00717

District Judge David Hittner

CAPITAL CASE

**UNOPPOSED MOTION FOR 60-DAY EXTENSION OF TIME
TO FILE AMENDED PETITION**

With this unopposed motion, Petitioner Terence Tramaine Andrus respectfully requests that this Court enter an order granting a 60-day extension of time to file an amended petition and would respectfully show as follows:

Petitioner filed his original Petition for Writ of Habeas Corpus on February 13, 2020. ECF No. 11. On February 26, 2020, Petitioner and Respondent filed a joint motion for a scheduling order (ECF No. 14), which the Court granted the following day (ECF No. 15). Pursuant to the scheduling order, the current deadline to file an amended petition is July 1, 2020. Due to circumstances outlined below—and unopposed by the Respondent—Mr. Andrus asks the court to re-set that deadline by 60 days, to August 31, 2020.

First, the Covid-19 pandemic justifies the requested extension. Less than one month after the Court approved the parties' joint request for a scheduling order, Dallas County (where Petitioner's counsel is located) issued a stay-at-home order. The Houston-area (where the offense and trial occurred) quickly followed suit. Since that time, all the members of Petitioner's counsel's office have been working from home and have been unable to travel or otherwise conduct field investigations. The Polunsky Unit, where Petitioner is located, has been closed to visitors. This has prevented counsel from meeting with Mr. Andrus during this time.

The second reason is the workload of Petitioner's counsel in close proximity to the current deadline in Mr. Andrus's case. David Currie, co-counsel for Cruz-Garcia, is also counsel for petitioner Donald Bess, 3:16-CV-1150-S (N.D. Tex.). On March 23, 2020, the district court issued a 118-page order denying Mr. Bess' petition for post-conviction relief and denied a motion to alter or amend judgment on April 28, 2020. Mr. Bess's motion for a certificate of appealability is currently due in the Fifth Circuit on June 24, 2020. Mr. Currie is also counsel to Petitioner Obel Cruz-Garcia, 4:17-cv-03621. The court in Mr. Cruz-Garcia's case has ordered Mr. Cruz-Garcia to submit legal briefing in support of his petition no later than June 29, 2020.

To ensure that Mr. Andrus' case receives adequate time for investigation, preparation, and drafting of the amended petition, counsel respectfully requests that the Court grant this Unopposed Motion for a 60-day Extension of Time to File Amended Petition.

Respectfully submitted,

DATE: May 27, 2020

JASON D. HAWKINS
Federal Public Defender

by

/s/ Jeremy Schepers

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/s/ David Currie

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Counsel for Petitioner

CERTIFICATE OF CONFERENCE

David Currie, counsel for Mr. Cruz-Garcia, has conferred with opposing counsel, Jennifer Morris of the Texas Attorney General's office, and she is not opposed to the relief sought in this motion.

/s/ **David C. Currie**
Attorney for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Motion for Discovery has been served by CM/ECF upon counsel for Respondent on May 27, 2020.

/s/ **David C. Currie**
David C. Currie
Assistant Federal Defender